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CONSIDERATION OF THE REQUEST FOR REVISION OF ARTICLE 8, PARAGRAPH 6, OF THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Note by the Secretary-General

1. The delayed payment or non-payment of financial assessments by a significant number of States parties to the International Convention on the Elimination of All Forms of Racial Discrimination has seriously impeded the functioning of the Committee on the Elimination of Racial Discrimination for several years and has given rise to widespread concern about the ability of the Committee to carry out its important responsibilities in a normal and efficient manner. As a result, the independent expert who carried out a study on "Possible long-term approaches to enhancing effective operation of existing and prospective bodies established under United Nations human rights instruments" (A/44/668) and the third meeting of persons chairing human rights treaty bodies (A/45/636) recommended that consideration be given to providing full funding from the regular budget of the United Nations for the operation of all treaty bodies. This recommendation was noted with interest by the General Assembly in its resolution 45/85 of 14 December 1990.

2. The Commission on Human Rights, by its resolution 1991/20 of 1 March 1991, requested the Secretary-General to submit to the General Assembly at its forty-sixth session a report examining the financial, legal and other implications of providing full funding for the operation of all human rights treaty bodies. The report of the Secretary-General requested by the Commission on Human Rights noted that it appeared necessary to invoke the

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* CERD/SP/41.

amendment provisions in the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment if responsibility for funding the activities of the two treaty bodies concerned were to be formally vested in the United Nations (A/46/650, para. 7).

3. The General Assembly, by its resolution 46/111 of 17 December 1991, welcomed the report of the Secretary-General; endorsed the recommendation, made in October 1990, of the meeting of persons chairing the human rights treaty bodies, that the General Assembly should take appropriate measures to ensure the financing of each of the committees from the United Nations regular budget; and invited the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degarding Treatment or Punishment to consider, as a matter of priority, all possibilities for putting arrangements for meeting the costs of implementing these treaties on a viable, guaranteed basis, including by considering possible amendment to the funding provisions of these treaties.

4. In a letter dated 21 November 1991 addressed to the Secretary-General, the Acting Minister for Foreign Affairs and Trade of Australia drew attention to the request by the Government of Australia for an amendment to the International Convention on the Elimination of All Forms of Racial Discrimination pursuant to article 23 thereof. The Government of Australia also proposed, at that time, how the amendment might be considered by the States parties to the Convention (A/C.3/46/5, annex and appendix).

5. By its decision 46/428 of 17 December 1991, the General Assembly decided to request the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to consider the amendment proposed by the Government of Australia at their meeting in January 1992 and to request the meeting of States parties to limit the scope of any revision of the Convention to the question of arrangements for meeting the expenses of members of the Committee while they are in performance of Committee duties as provided for in article 8, paragraph 6, of the Convention.